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2 **RESOLUTION NO.**

3 **WHEREAS**, the City of Austin is committed to undoing its racist past and  
4 combatting and denouncing racism in present-day Austin; and

5 **WHEREAS**, the City of Austin acknowledges that the history of bigotry and  
6 discrimination has contributed to racially disparate outcomes in policing and policy; and

7 **WHEREAS**, the Center for Policing Equity found in 2016 that the Austin Police  
8 Department (APD) was more likely to use force in communities where more African-  
9 Americans and Latinos live, and when force was used, APD was more likely to use more  
10 severe force in communities where African-Americans and Latinos live, even after  
11 controlling for factors such as community crime and poverty rates; and

12 **WHEREAS**, the APD's state-mandated racial profiling reports consistently show  
13 that Black and Latino drivers are more than twice as likely to be searched as their white  
14 counterparts during traffic stops despite similar "hit rates", including in 2018 where 6  
15 percent of traffic stops of white drivers resulted in a police searches compared to 14  
16 percent for Latino drivers and 17 percent for Black drivers; and

17 **WHEREAS**, APD data provided per Council Resolution No. 20180614-073 (one  
18 of the Freedom City Resolutions) showed that in 2017 APD police officers made  
19 discretionary arrests of Black people at more than twice the rate of either white or Latino  
20 residents; and

21       **WHEREAS**, that same 2017 data also showed Black and Latino residents  
22 accounted for just under 75 percent of those discretionary arrests for driving with an  
23 invalid license, although the two groups combine to make up less than 45 percent of  
24 Austin's population; and

25       **WHEREAS**, that same 2017 data also showed that one out of three discretionary  
26 arrests for misdemeanor marijuana possession involved a Black resident even though less  
27 than one in ten Austinites is Black, though usage rates of marijuana are similar across  
28 racial groups; and

29       **WHEREAS**, per the quarterly report for Council Resolution No. 20180614-073,  
30 issued by APD on May 3, 2019, Black people still comprised 32 percent of persons  
31 arrested by APD for offenses eligible for citation, which, proportionally, amounts to more  
32 than three times Austin's Black population; and

33       **WHEREAS**, an anonymous whistle-blower has recently accused an Assistant  
34 Chief of the Austin Police Department of using racist epithets and derogatory terms,  
35 including "negro" and "nigger," to refer to specific Black elected officials and sworn  
36 officers of the Austin Police Department; and

37       **WHEREAS**, following the public release of the anonymous complaint and  
38 subsequent resignation of the Assistant Chief named in the complaint, City Manager  
39 announced on November 7, 2019 that a third-party investigation into the allegations that

40 the use of racial slurs and epithets lasted over a period of many years with the knowledge  
41 of other leadership at APD; and

42 **WHEREAS**, the Mayor's Task Force on Institutional Racism and Systemic  
43 Inequity recommends that the City of Austin create protocols to ensure the cultural  
44 competency of all personnel, and that the City of Austin's law enforcement agencies  
45 engage in continuous diversity and inclusion training, with special attention to implicit  
46 bias training; and

47 **WHEREAS**, in 2018, the Office of Police Oversight was created to augment  
48 accountability and transparency at APD, and that the department could benefit from  
49 expanded access and resources; and

50 **WHEREAS**, the Austin Police Department presented a training plan during the  
51 City of Austin FY2019-20 budget deliberations indicating its intention to graduate almost  
52 200 new cadets in Academy classes scheduled to start in February 2020; and

53 **WHEREAS**, attrition rates in recent cadet classes exceeded expectations in at least  
54 the last five cadet classes, reaching as high as 49 percent, suggesting that there exist issues  
55 with recruitment and cadet preparedness; and

56 **WHEREAS**, while assessment center panels were recommended as a method to  
57 counter the potential bias in written exams for promotion of APD officers, there are  
58 concerns that the system does not accomplish this goal and in fact may have the opposite  
59 impact. And

60       **WHEREAS**, patterns and specific incidents of discrimination and bigotry in the  
61 Austin Police Department erode the public trust, which is necessary to effectively enforce  
62 the law, solve crimes, and maintain public safety, and so the Council finds it imperative  
63 to understand the full extent of bigotry and systemic racism and discrimination within  
64 APD, and consider reforms to APD’s policies, protocols, and training curriculum; **NOW,**  
65 **THEREFORE,**

66 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

67       The Council supports the investigation initiated by the City Manager into the  
68 allegations against a former APD Assistant Chief. The City Manager is directed to provide  
69 an update and publicize resulting findings to Council by January 23, 2020.

70 **BE IT FURTHER RESOLVED:**

71       Effective on January 23, 2020, the City Manager is directed to initiate a  
72 comprehensive, multi-pronged investigation and evaluation of the extent to which forms  
73 of bigotry and discrimination are present in the protocols, practices, and behaviors of the  
74 officers of the Austin Police Department. To the extent to which they are present, this  
75 investigation and evaluation shall document the impacts these individual and systemic  
76 biases have had on hiring, professional ranking, and treatment of personnel within APD,  
77 as well as police interactions with people of color and other marginalized groups in  
78 Austin.

79 The investigation should begin with an immediate focus on patterns of prejudiced  
80 behavior and institutionalized bigotry in the following high-priority areas:

- 81 1. Officer and supervisor communications, including all public posts on social media  
82 platforms that are available to the investigator, City email, and text messages and  
83 instant message communications on City devices within the last 5 years;
- 84 2. Recruitment practices and protocols, efforts to ensure ethnic and gender diversity  
85 and inclusion in recruitment, and assessment of academic resources available to  
86 cadets.

87 Investigation of these high-priority areas of focus should result in an interim report  
88 that includes analysis of expressed behavior and patterns, and any immediate  
89 recommendations for reform presented publicly to the Council no later than  
90 December 7, 2020.

91 Investigation into and analysis of the following areas of focus should begin  
92 concurrently:

- 93 3. APD's compliance with state and federal law with regard to racial and gender  
94 discrimination in employment;
- 95 4. The basis for the weighting of assessment center panel scores in the professional  
96 ranking and promotion of APD officers, including the degree to which the use of  
97 assessment centers counters potential bias in the promotion process, if at all, and

best practices for the transparency and use of assessment centers in ranking, and the appropriate weights for promotion consideration at each officer level;

5. All use-of-force incident reports from June 2019 to November 2019, analyzing them by location, any resulting charges, the outcome of each incident, and demographic information including race, ethnicity, and language spoken of all persons involved;
6. Aggregate data on every recorded interaction from June 2019 to November 2019 with any member of the public, including type of interaction and its outcome (search, arrest with charges, citation with charges) and an evaluation on whether there are racial and/or ethnic or other disparities in searches, arrests, charges and citations;
7. Complaints made against officers and executives accused of bias and/or discrimination, including complaints that did not result in disciplinary action and the reason that no disciplinary action was taken in each case, for the last 10 years;
8. Incidents leading to lawsuits for police misconduct, and analysis of the outcomes and subsequent settlements of those lawsuits, including the amount of each settlement, over the last 10 years.

The evaluating entity will issue a final report no later than December 6, 2021, that details any patterns of systemic racism, racist behavior, and other forms of discrimination

117 found in all the above areas of focus, to include recommendations to remedy and prevent  
118 patterns of bias.

119 **BE IT FURTHER RESOLVED:**

120 The independent investigation and examination shall be conducted by an  
121 independent third party with substantial experience in the evaluation and investigation of  
122 police misconduct, bias, and claims in employment law and Title VII violations, as well  
123 as in assessing systemic conditions that engender civil rights violations, including both  
124 organizational decision-making and greater policy-making rules and patterns.

125 The City Manager shall develop the scope of work and qualifications for the  
126 solicitation of the evaluating entity with input from the Joint Inclusion Committee, the  
127 Public Safety Commission, and community organizations that advocate for racial justice,  
128 equity, and criminal justice reform as allowable by the City's purchasing rules. The City  
129 Manager shall determine the appropriate funding sources when recommending the  
130 contract for Council approval.

131 The City Manager is also directed to collaborate with the Equity Office and the  
132 Office of Police Oversight in a joint oversight capacity regarding the selection and  
133 supervision of the independent investigating entity, to the extent allowed by the City's  
134 procurement policies.

135 **BE IT FURTHER RESOLVED:**

136 Separately from the independent third-party investigation that is to be completed  
137 no later than December 6, 2021,, the City Manager shall initiate an audit of Austin Police  
138 Department's training materials, course/section descriptions and duration, and description  
139 of any other procedures (e.g. detailed descriptions of scenarios) administered to cadet  
140 classes and to active officers related to training on communication strategies, cultural  
141 competency, acknowledging and addressing bias, use of force, de-escalation, search,  
142 proactive policing, mental health response, protocols for non-English speaking persons ,  
143 protocols for disabled persons , recognizing resistance, and their evaluation protocols, as  
144 well as the course/section content and duration of all other coursework required at the  
145 cadet academy and their evaluation protocols. The City Manager may work with and  
146 incorporate results from any review of APD hiring and training protocols that has been  
147 conducted or is being conducted by the APD's training specialist, the Equity Office, or  
148 the Office of Police Oversight.

149 The City Manager is directed to update or revise training materials for APD to the  
150 extent necessary to remedy any findings from the audit. This process should be as  
151 transparent as possible, ensuring that the public has access to view training materials on  
152 the topics of bias, racism, and cultural competency in policing. The audit is to be  
153 completed and reported to Council no later than June 1, 2020.

154 During this process, the City Manager will track and report on the following  
155 milestones:



- Training conducted at the Austin Police Academy related to reducing bias, increasing de-escalation, reducing racial disparities in use of force and severity of force, reducing racial disparities in discretionary searches, and improving communication with all individuals regardless of language, ethnicity, sexual orientation, gender identity, or disability;
- Recruiting and retention and practices and procedures with a focus on whether those practices and procedures could be improved to retain ethnic and gender diversity in cadet classes, and whether those practices and procedures, including the use of disqualification codes for cadets, have a disparate effect or impact based on race, ethnicity, national origin, sex, religion, sexual orientation, or gender identity, etc.
- Current training priorities based on hours on each topic and the overall balance of training with a focus on whether training should be re-balanced to reduce bias, increase use of de-escalation techniques, and improve culturally effective communication, and trauma-informed policing;
- Cadet training scenarios with focus on reviewing whether the scenarios teach officers to use all strategies to de-escalate and communicate effectively in the situations statistically most likely to occur on their shifts;
- Identify police academies that have successfully revised training resulting in reduced force incidents and improved communication with diverse communities,

including police Academies in Cambridge, Washington State (Washington State Criminal Justice Training Commission), and Minneapolis, and conduct site visits and review training reforms; and

- Improvements in training should be finalized with the input and participation of community groups representing those disproportionately affected by policing, including those representing non-white residents and populations, non-English speaking residents and populations, LGTBQIA+ residents and populations and residents and persons with disabilities.

Following the start of the cadet class scheduled to begin in February 2020, the City Manager shall ensure that no new cadet classes are to be initiated until this audit is completed, revisions to the curricula per the milestones above and new training materials, if necessary, are implemented, in order to resume cadet classes no later than September 2020. When classes resume, space will be made available for an independent party to audit classes and instruction.

**BE IT FURTHER RESOLVED:**

The City Manager shall issue biannual updates on the progress of the independent third-party investigation, to include relevant updates on the solicitation process and anticipated timelines for the investigation to proceed.

**ADOPTED:** \_\_\_\_\_, 2019

**ATTEST:** \_\_\_\_\_

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Jannette S. Goodall  
City Clerk

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